

Applicants: Philip O. Livingston et al.
Serial No.: 09/534,711
Filed: March 24, 2000
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REMARKS

Claims 1, 6-8, 11, and 14 are pending in the subject application. Applicants have hereinabove amended claims 1, 11, and 14. Accordingly, upon entry of this Amendment, claims 1, 6-8, 11, and 14 will be pending and under examination.

Applicants maintain that the amendments to the claims 1, 11, and 14, do not raise any issue of new matter, and these claims, as amended, are fully supported by the specification as originally filed. Support for the claim amendments is found, *inter alia*, in the specification as follows: **Claim 1**: page 20, line 27; page 7, lines 3-8; page 4, line 21 to page 5, line 8, page 10, lines 4-8 and 10-16, page 21, line 15 to page 22, line 21, page 23, lines 6-8, page 24, line 24 to page 25, line 17, page 28 (Table 4), page 40, lines 27-32, and page 46, line 28 to page 47, line 4; and **Claims 11 and 14**: page 20, line 27; page 7, lines 3-8; page 4, line 21 to page 5, line 8, page 10, lines 4-8 and 10-16, page 21, line 15 to page 22, line 21, page 23, lines 6-8, page 24, line 24 to page 25, line 17, page 28 (Table 4), page 40, lines 27-32, and page 46, line 28 to page 47, line 4. Accordingly, applicants respectfully request that this Amendment be entered.

Rejections Under 35 U.S.C. §103(a) - Obviousness

The Examiner stated that claims 1, 6-8, 11 and 14 are rejected under 35 U.S.C. §103(a) as unpatentable over Jennemann et al. in view of Vangsted et al. and Kensil et

al. for reasons of record. The Examiner maintained that the Jenneman et al. teaches a conjugate comprising fucosyl GM1 and KLH and suggests QS-21 as taught by others as an adjuvant for a GM2-KLH conjugate. The Examiner stated in part that Vangsted et al. teaches use of fucosyl-GM1 for treating SCLC and that Kensil et al. teach the effects of Quillaja saponins on vaccines comprising KLH.

Applicants respectfully traverse the Examiner's rejection.

With regard to rejected pending claims 1, 6-8, 11 and 14, applicants note that Jenneman et al. teach that the most effective combination of elements to obtain the highest anti-Gfpt1 humoral antibody titers is immunization with native free ganglioside in PC,PS liposomes containing MPL, followed by Gfpt-1-KLH and Gfpt1-MDP. Thus, Jenneman et al. teaches separate sequential administration of the adjuvant, and one of skill in the art, if combining the references as cited by the Examiner, would at the most use the adjuvant in the *sequential* administration in contrast to applicants' *single* composition comprising the adjuvant QS-21 as recited in the claims.

There is no motivation to employ the adjuvant in what Jenneman et al., in combination with the remaining cited references, teaches to be the less effective form of a *single* composition, as claimed by applicants, rather than sequentially administering the adjuvant.

Accordingly, applicants maintain the invention as recited

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in claims 1, 6-8, 11 and 14 is not obvious over the cited combination of references, and respectfully request the Examiner reconsider and withdraw this rejection.

If a telephone conference would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorney invites the Examiner to telephone him at the number provided below.

No fee, apart from the enclosed \$225.00 fee for a two-month extension of time, is deemed necessary in connection with the filing of this Amendment. However, if any additional fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

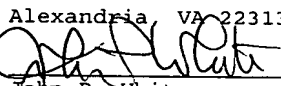
Respectfully submitted,



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